

No. 71
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Thursday, November 8, 2012.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—present
Jones—present
Kahn—present
Kowall—present
Marleau—excused
Meekhof—present
Moolenaar—present
Nofs—present

Pappageorge—present
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Pastor Gib Giblin of Midland Evangelical Free Church of Midland offered the following invocation:

Lord God, You are Creator of all that we see. You knew from eternity that we would be here today. There is nothing that goes beyond Your grasp or purpose, even our anxious thoughts, our doubts, or an election. We need, humbly ask, and seek Your help, guidance and intervention to be able to think and act justly and mercifully.

Help us to view our responsibilities courageously. Strengthen us to not turn away from doing the hard and difficult, but necessary task. God, we need Your wisdom to lead us to know what is important. Help us to work together. Help us to hold in those inessentials, unity, and the nonessentials, liberty, and in all other things, charity.

Father, as these men and women work together, help them keep short accounts. Help them grant each other grace and forgiveness—not judgment and condemnation—turning to You as an example of hope and direction.

In Christ's name we pray. Amen.

The President, Lieutenant Governor Calley, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Casperson, Green and Young entered the Senate Chamber.

The following communications were received and read:
Office of the Auditor General

October 18, 2012

Enclosed is a copy of the following audit report:

Performance audit of the Michigan State Disbursement Unit, Office of Child Support, Department of Human Services.

October 25, 2012

Enclosed is a copy of the following audit report:

Performance audit of Facility Closures and Consolidations, Department of Corrections.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The audit reports were referred to the Committee on Government Operations.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

October 8, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-029-LR (Secretary of State Filing #12-10-01) on this date at 4:27 p.m. for the Department of Licensing and Regulatory Affairs, entitled "General Industry Part 69 Compressed Gasses: Acetylene, Hydrogen, Oxygen, and Nitrogen Oxide."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 8, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-074-EQ (Secretary of State Filing #12-10-02) on this date at 4:27 p.m. for the Department of Environmental Quality, entitled "Part 3 Emission Limitations and Prohibitions - Particulate Matter (Rule 349)."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 8, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-089-EQ (Secretary of State Filing #12-10-03) on this date at 4:31 p.m. for the Department of Environmental Quality, entitled "Underground Storage Tank QC and CP Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Department of Licensing and Regulatory Affairs

October 18, 2012

Section 492.106a of the Motor Vehicle Sales Finance Act requires a report by December 1 of each year that contains the following information:

(a) The number of initial and renewal applications the Commissioner received and completed within the 90-day time period described in subsection (1);

(b) The number of applications denied; and

(c) The number of applicants not issued a license within the 90-day time period and the amount of money returned to licensees and registrants under subsection (3).

This is my report of that information for the period October 1, 2012 through September 30, 2013.

R. Kevin Clinton, Commissioner
Office of Financial and Insurance Regulation

The communication was referred to the Secretary for the record.

The following communication was received:
Department of Technology, Management and Budget

October 24, 2012

Section 298c of Public Act 431 of 1984 requires the Department of Technology, Management and Budget to report annually regarding the progress of the Michigan Capitol Park. This park encompasses the Veterans Memorial Park and is the future site of the Michigan Law Enforcement Officers Memorial Monument.

Since October of 2009, there have been no changes in the development or operation of the Michigan Capitol Park, or to the master plan.

If you have any further questions regarding the Michigan Capitol Park, please contact me at 373-4978.

Sincerely,
John E. Nixon, CPA
Director

The communication was referred to the Secretary for the record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from April 1, 2012 through June 30, 2012, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture
Appropriations
Banking and Financial Institutions
Economic Development
Education
Energy and Technology
Families, Seniors and Human Services
Finance
Government Operations

Chairperson

Senator Joe Hune
Senator Roger Kahn
Senator Darwin Booher
Senator Mike Kowall
Senator Phil Pavlov
Senator Mike Nofs
Senator Judy Emmons
Senator Jack Brandenburg
Senator Randy Richardville

Health Policy	Senator Jim Marleau
Insurance	Senator Joe Hune
Judiciary	Senator Rick Jones
Local Government and Elections	Senator David Robertson
Natural Resources, Environment and Great Lakes	Senator Tom Casperson
Outdoor Recreation and Tourism	Senator Goeff Hansen
Redistricting	Senator Joe Hune
Reforms, Restructuring and Reinventing	Senator Mark Jansen
Regulatory Reform	Senator Tory Rocca
Transportation	Senator Tom Casperson
Veterans, Military Affairs and Homeland Security	Senator John Moolenaar

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, October 18, for his approval the following bill:

Enrolled Senate Bill No. 1122 at 3:20 pm

The Secretary announced that the following official bills were printed on Wednesday, October 17, and are available at the legislative website:

House Bill Nos.	5960	5961	5962	5963	5964	5965	5966	5967	5968	5969	5970	5971	5972	5973
	5974	5975	5976	5977	5978	5979	5980	5981	5982	5983				

The Secretary announced that the following official bills were printed on Thursday, October 18, and are available at the legislative website:

Senate Bill Nos.	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351
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Senator Bieda moved that Senators Hunter and Johnson be temporarily excused from today's session.
The motion prevailed.

Senator Meekhof moved that Senator Nofs be temporarily excused from today's session.
The motion prevailed.

Senator Meekhof moved that Senator Marleau be excused from today's session.
The motion prevailed.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:09 a.m.

11:07 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Hansen.

During the recess, Senators Hunter and Nofs entered the Senate Chamber.

Messages from the Governor

The following message from the Governor was received:

Date: October 23, 2012
Time: 3:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1122 (Public Act No. 342), being

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and

other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 9155.

(Filed with the Secretary of State on October 23, 2012, at 4:25 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

October 11, 2012

I respectfully submit to the Senate the following appointments to office:

Crime Victim Services Commission

Brian A. Pepler of 7332 S. Ridge Road, Sault Ste. Marie, Michigan 49506, county of Chippewa, representing county prosecuting attorneys and Democrats, succeeding Kym L. Worthy, is appointed for a term expiring September 27, 2015.

Emily McIntyre Hancock of 5274 Ridge Trail, Clarkston, Michigan 48348, county of Oakland, representing community-based victim advocates and Democrats, succeeding Janet K. Praefke, is appointed for a term expiring September 27, 2015.

October 16, 2012

I respectfully submit to the Senate the following appointments to office:

Michigan Statewide Independent Living Council

Sally C. Harrison of 204 North Saint Josephs, Suttons Bay, Michigan 49682, county of Leelanau, representing Michigan State Housing Development Authority, is appointed for a term expiring October 16, 2015.

Louis Adams of 2930 E. Huckleberry Trail, Farwell, Michigan 48622, county of Clare, representing Michigan Rehabilitation Services, is appointed for a term expiring October 16, 2015.

Edward F. Rodgers of 2420 Lyman Drive, Lansing, Michigan 48912, county of Ingham, representing Bureau of Services for Blind Persons, is appointed for a term expiring October 16, 2015.

Denise Stork-Phillips of 1405 Shaffer Court, Lansing, Michigan 48917, county of Ingham, representing Department of Human Services, is appointed for a term expiring October 16, 2015.

Michael Zimmer of 6430 Quail Ridge Lane, Dimondale, Michigan 48821, county of Ingham, representing Department of Licensing and Regulatory Affairs, is appointed for a term expiring October 16, 2015.

Cynthia L. Kelly of 3704 E. Hiawatha Drive, Okemos, Michigan 48864, county of Ingham, representing Department of Community Health, is appointed for a term expiring October 16, 2015.

Collette C. Bauman of 4767 Clifford Road, Brighton, Michigan 48776, county of Livingston, representing Department of Education, is appointed for a term expiring October 16, 2015.

October 16, 2012

I respectfully submit to the Senate the following appointment to office:

Michigan Women’s Commission

Joanne Dawley of 44644 Aspen Ridge Drive, Northville, Michigan 48168, county of Wayne, succeeding Alexandra S. Matish, is appointed for a term expiring July 15, 2013.

October 19, 2012

I respectfully submit to the Senate the following appointments to office:

Michigan Pharmacy and Therapeutics Committee

Michael W. Crowe of 607 E. Second Avenue, Flint, Michigan 48502, county of Genesee, representing pharmacists, succeeding Erin Inman, is appointed for a term expiring October 1, 2014.

Derek J. Quinn of 3772 Cedaridge Road, Kalamazoo, Michigan 49008, county of Kalamazoo, representing pharmacists, succeeding himself, is reappointed for a term expiring October 1, 2014.

Louis A. Cannon of 7575 Indian Trails Drive, Charlevoix, Michigan 49720, county of Charlevoix, representing physicians, succeeding Paul Drake, is appointed for a term expiring October 1, 2014.

Jennifer M. Dehlin of 1025 N. Front Street, Marquette, Michigan 49855, county of Marquette, representing physicians, succeeding Kahn Nedd, is appointed for a term expiring October 1, 2014.

Tina Tanner of 905 S. 88th Street, Shelby, Michigan 49455, county of Oceana, representing physicians, succeeding Blake Casher, is appointed for a term expiring October 1, 2014.

October 22, 2012

I respectfully submit to the Senate the following appointments to office:

Michigan Community Service Commission

Eric Wilson of 506 Paris Avenue, S.E., Grand Rapids, Michigan 49503, county of Kent, representing individuals with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth, succeeding Kathleen A. Maisner, is appointed for a term expiring October 1, 2014.

Robert T. Kolt of 1165 Woodwind Trail, Haslett, Michigan 48840, county of Ingham, representing experts in promoting volunteerism in older adults, succeeding Vernice Davis-Anthony, is appointed for a term expiring October 1, 2015.

Megan R. Johnson of 1051 North Old Woodward Avenue, Birmingham, Michigan 48009, county of Oakland, representing experts in the delivery of human, educational, environmental, or public safety services to communities and persons, succeeding Kara Carlisle, is appointed for a term expiring October 1, 2013.

Michael J. Hill of 10580 South Fritz Road, Maple City, Michigan 49664, county of Leelanau, representing Superintendent of Public Instruction, succeeding Michael P. Flanagan, is appointed for a term expiring October 1, 2015.

David Andrews of 4845 Ohchi Court, Holt, Michigan 48842, county of Ingham, representing experts in the delivery of human, educational, environmental, or public safety services to communities and persons, succeeding Julie Calley, is appointed for a term expiring October 1, 2015.

David J. Price of 514 Fulton Place, Lansing, Michigan 48915, county of Ingham, representing experts in the delivery of human, educational, environmental, or public safety services to communities and persons, succeeding Alphonso Swain, is appointed for a term expiring October 1, 2015.

Antoine L. Campbell of 7317 N.E. Danboro, Rockford, Michigan 49341, county of Kent, representing experts in the delivery of human, educational, environmental, or public safety services to communities and persons, succeeding himself, is reappointed for a term expiring October 1, 2015.

Janet C. Lawson of 2743 Timberwyck Trail, Troy, Michigan 48098, county of Wayne, representing experts in the delivery of human, educational, environmental, or public safety services to communities and persons, succeeding herself, is reappointed for a term expiring October 1, 2015.

Robert S. Collier of 710 Cardinal Drive, Grand Rapids, Michigan 49506, county of Kent, representing community-based agencies, succeeding himself, is reappointed for a term expiring October 1, 2015.

Julie A. Calley of 10198 Butler Road, Portland, Michigan 48875, county of Ionia, representing local government, succeeding Bernard F. Parker, is appointed for a term expiring October 1, 2015.

John T. Truscott of 920 Nicole Circle, Okemos, Michigan 48864, county of Ingham, representing experts in the delivery of human, educational, environmental, or public safety services to communities and persons, succeeding himself, is reappointed for a term expiring October 1, 2015.

October 23, 2012

I respectfully submit to the Senate the following appointment to office:

Michigan Film Commissioner

Margaret A. O'Riley of 4072 Split Rail Lane, Fenton, Michigan, 48430, county of Genesee, succeeding Carrie Jones, is appointed for a term commencing October 29, 2012 and expiring December 31, 2012.

October 24, 2012

I respectfully submit to the Senate the following appointment to office:

Michigan Carrot Commission

Nathan L. Karnemaat of 5118 W. 72nd Street, Fremont, Michigan 48412, county of Newaygo, representing fresh growers, succeeding himself, is reappointed for a term expiring October 31, 2015.

October 26, 2012

Please be advised of the following appointment to office:

Emergency Financial Manager - City of Allen Park

Joyce A. Parker of 5085 Polo Fields Drive, Ann Arbor, Michigan 48103, county of Washtenaw, is appointed to serve effective October 29, 2012.

October 26, 2012

I respectfully submit to the Senate the following appointment to office:

Michigan Finance Authority Board of Directors

Donald H. Gilmer of 7021 N. 46th Street, Augusta, Michigan, 49012, county of Kalamazoo, succeeding himself, is reappointed for a term expiring September 30, 2016.

October 26, 2012

Please be advised of the following appointment to office:

Emergency Financial Manager - Highland Park School District

Donald B. Weatherspoon of 8942 East Saginaw, Haslett, Michigan 48840, county of Clinton, succeeding Joyce A. Parker, is appointed to serve effective October 29, 2012.

October 26, 2012

I respectfully submit to the Senate the following appointments to office:

Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities

Stephanie A. Peters of 3623 Gale Road, Eaton Rapids, Michigan 48827, county of Eaton, representing other individuals, succeeding herself, is reappointed for a term expiring October 31, 2016.

Sondra M. Stegenga of 1029 W. Lakewood Boulevard, Holland, Michigan 49424, county of Ottawa, representing public or private providers of early intervention services, succeeding Argus M. Miller, is appointed for a term expiring October 31, 2016.

Conny M. Raaymakers of 901 Grand Rapids Street, Middleville, Michigan 49333, county of Barry, representing public or private providers of early intervention services, succeeding M. Elaine Smiley, is appointed for a term expiring October 31, 2016.

November 1, 2012

I respectfully submit to the Senate the following appointments to office:

Michigan Quality Community Care Council Board of Directors

Maura Corrigan of 235 S. Grand Avenue, Lansing, Michigan 48909, county of Ingham, representing the Department of Human Services, filling a vacancy, is appointed for a term expiring at the pleasure of the Governor.

James K. Haveman of 201 Townsend Street, Lansing, Michigan 48913, county of Ingham, representing the Department of Community Health, filling a vacancy, is appointed for a term expiring at the pleasure of the Governor.

Janice K. Lampman of 2107 Virginia Street, Midland, Michigan 48642, county of Midland, representing consumer advocates, succeeding Dohn Hoyle, is appointed for a term expiring June 17, 2015.

Letty Azar of 39538 Macomber Street, Harrison Township, Michigan 48045, county of Macomb, representing consumer representatives, succeeding Verna Spayth, is appointed for a term expiring June 17, 2015.

Tina Abbate Marzolf of 564 Grey Road, Auburn Hills, Michigan 48326, county of Oakland, representing consumer advocates, succeeding Tammy Sue Finn, is appointed for a term expiring June 17, 2016.

Russell Lee Knopp of 2168 Twin Eagle's Way, Traverse City, Michigan 49686, county of Grand Traverse, representing consumer representatives, succeeding Houwyda Fawaz-Anouti, is appointed for a term expiring June 17, 2014.

Wynn Esterline of 4174 Shady Drive, Manitou Beach, Michigan 49253, county of Lenawee, representing consumer representatives, succeeding Scott Heintzman, is appointed for a term expiring June 17, 2014.

Michael L. Damstra of 18317 North Shore Est Road, Spring Lake, Michigan 49456, county of Ottawa, representing consumer representatives, succeeding Eric Thomas, is appointed for a term expiring June 17, 2013.

Lodewyk P. Zwarensteijn of 2169 Timberwood Drive, S.E., Kentwood, Michigan 49508, county of Kent, representing consumer representatives, succeeding Sara Harrison, is appointed for a term expiring June 17, 2013.

November 5, 2012

I respectfully submit to the Senate the following appointment to office:

Michigan Judges Retirement Board

John R. Axe of 481 Kercheval Avenue, Grosse Pointe Farms, Michigan 48236, county of Wayne, representing the general public, succeeding Rick Simonson, is appointed for a term expiring March 31, 2015.

November 7, 2012

I respectfully submit to the Senate the following appointment to office:

Chair - Education Achievement Authority Executive Committee

Isaiah McKinnon of 1324 Nicolet Place, Detroit, Michigan 48207, county of Wayne, is appointed for a term expiring at the pleasure of the Governor.

November 7, 2012

I respectfully submit to the Senate the following appointment to office:

Education Achievement Authority Board

Isaiah McKinnon of 1324 Nicolet Place, Detroit, Michigan 48207, county of Wayne, is appointed for a term expiring at the pleasure of the Governor.

November 7, 2012

I respectfully submit to the Senate the following appointment to office:

Education Achievement Authority Executive Committee

Carol Goss of 8162 E. Jefferson, #9B, Detroit, Michigan 48214, county of Wayne, representing Detroit Public Schools, is appointed for a term expiring at the pleasure of the Governor.

November 7, 2012

I respectfully submit to the Senate the following appointment to office:

Education Achievement Authority Executive Committee

Isaiah McKinnon of 1324 Nicolet Place, Detroit, Michigan 48207, county of Wayne, is appointed for a term expiring at the pleasure of the Governor.

November 7, 2012

I respectfully submit to the Senate the following appointment to office:

Natural Resources Trust Fund Board

Brad Canale of 2028 Audubon Drive, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding Frank Torre, is appointed for a term expiring October 1, 2016.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1335

Senate Bill No. 1336

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Meekhof moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Hansen, designated Senator Green as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Hansen, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 1336, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 5, 14a, 14b, 14d, 14e, 14f, 14h, 14j, 14k, 14l, 24, 31, 54, and 63 (MCL 408.1005, 408.1014a, 408.1014b, 408.1014d, 408.1014e, 408.1014f, 408.1014h, 408.1014j, 408.1014k, 408.1014l, 408.1024, 408.1031, 408.1054, and 408.1063), sections 5, 31, and 63 as amended and sections 14a, 14b, 14d, 14e, 14h, 14j, 14k, and 14l as added by 1986 PA 80, section 14f as amended by 1996 PA 70, and section 24 as amended by 1991 PA 105; and to repeal acts and parts of acts.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1051, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1203. Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1335, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 14 (MCL 408.1014), as amended by 1991 PA 105.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The President, Lieutenant Governor Calley, resumed the Chair.

Senator Meekhof moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 1051

Senate Bill No. 1335

Senate Bill No. 1336

The motion prevailed, a majority of the members serving voting therefor.

Senator Meekhof moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 1051

Senate Bill No. 1335

Senate Bill No. 1336

Senate Bill No. 694

Senate Bill No. 1303

Senate Bill No. 1008

Senate Bill No. 1155

Senate Bill No. 1156

Senate Bill No. 1157

Senate Bill No. 1158

Senate Bill No. 1238

Senate Bill No. 1276

Senate Bill No. 1280

Senate Bill No. 1287

Senate Bill No. 1132

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1051, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1203.

The question being on the passage of the bill,

Senator Bieda offered the following amendment:

1. Amend page 3, following line 11, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 117 of the 96th Legislature is enacted into law."

The question being on the adoption of the amendment,

Senator Meekhof moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senator Bieda asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Bieda's statement is as follows:

It's a very simple amendment that I'm offering today. The bill before us, by the way, is something I do support. I believe in financial disclosure. I also believe that elected officials should talk about and refrain from voting if there is a conflict of interest.

But what Senate Bill No. 117 does, which title binds it, it does require financial disclosure for all candidates running for state and local office as well as elected officials. Michigan ranks consistently amongst the lowest of all 50 states when it comes to public transparency and disclosure on financial issues.

This is a very important change we need to make in the law. I think the citizens of the state require and should demand openness for elected officials. I encourage your support for this amendment.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1335, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 14 (MCL 408.1014), as amended by 1991 PA 105.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 728

Yeas—25

Booher	Hansen	Kowall	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green			

Nays—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1336, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 5, 14a, 14b, 14d, 14e, 14f, 14h, 14j, 14k, 14l, 24, 31, 54, and 63 (MCL 408.1005, 408.1014a, 408.1014b, 408.1014d, 408.1014e, 408.1014f, 408.1014h, 408.1014j, 408.1014k, 408.1014l, 408.1024, 408.1031, 408.1054, and 408.1063), sections 5, 31,

and 63 as amended and sections 14a, 14b, 14d, 14e, 14h, 14j, 14k, and 14l as added by 1986 PA 80, section 14f as amended by 1996 PA 70, and section 24 as amended by 1991 PA 105; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 729**Yeas—25**

Booher	Hansen	Kowall	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green			

Nays—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 694, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 2 of chapter XHIA (MCL 712A.2), as amended by 2001 PA 211.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 730**Yeas—34**

Anderson	Green	Jones	Proos
Bieda	Gregory	Kahn	Richardville
Booher	Hansen	Kowall	Robertson
Brandenburg	Hildenbrand	Meekhof	Rocca
Casperson	Hood	Moolenaar	Schuitmaker
Caswell	Hopgood	Nofs	Smith
Colbeck	Hune	Pappageorge	Walker
Emmons	Hunter	Pavlov	Whitmer
Gleason	Jansen		

Nays—3

Johnson

Warren

Young

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1303, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 13a, 18f, and 19a of chapter XIA (MCL 712A.13a, 712A.18f, and 712A.19a), section 13a as amended by 2012 PA 163 and sections 18f and 19a as amended by 2012 PA 115.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 731**Yeas—34**

Anderson

Bieda

Booher

Brandenburg

Casperson

Caswell

Colbeck

Emmons

Gleason

Green

Gregory

Hansen

Hildenbrand

Hood

Hopgood

Hune

Hunter

Jansen

Jones

Kahn

Kowall

Meekhof

Moolenaar

Nofs

Pappageorge

Pavlov

Proos

Richardville

Robertson

Rocca

Schuitmaker

Smith

Walker

Whitmer

Nays—3

Johnson

Warren

Young

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1008, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 317.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 732

Yeas—37

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green			

Nays—0

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Moolenaar asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Moolenaar’s statement is as follows:

I rise before you today to encourage my Senate colleagues to support Senate Bill No. 1008. This program was created in 2003. It was very successful in helping neighbors settle disputes over groundwater withdrawal. It was repealed in 2009 due to a lack of funding. With a drought affecting many Michigan citizens this year, calls came from across the state and asked us to reinstate the program.

This legislation is designed to find a solution between neighbors outside of the courts. I welcome my Senate colleagues’ support on this important legislation.

The following bill was read a third time:

Senate Bill No. 1155, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5201, 5202, 5203, and 5204 (MCL 324.5201, 324.5202, 324.5203, and 324.5204), section 5201 as amended by 2005 PA 257, sections 5202 and 5203 as added by 2002 PA 397, and section 5204 as amended by 2010 PA 232, and by adding sections 5204e and 5204f.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 733**Yeas—37**

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green			

Nays—0**Excused—1**

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1156, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5301 and 5303 (MCL 324.5301 and 324.5303), section 5301 as amended by 2005 PA 255 and section 5303 as amended by 2002 PA 398; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 734**Yeas—37**

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green			

Nays—0

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1157, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5402 and 5406 (MCL 324.5402 and 324.5406), as added by 1997 PA 26.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 735

Yeas—36

Anderson	Green	Johnson	Richardville
Bieda	Gregory	Jones	Robertson
Booher	Hansen	Kowall	Rocca
Brandenburg	Hildenbrand	Meekhof	Schuitmaker
Casperson	Hood	Moolenaar	Smith
Caswell	Hopgood	Nofs	Walker
Colbeck	Hune	Pappageorge	Warren
Emmons	Hunter	Pavlov	Whitmer
Gleason	Jansen	Proos	Young

Nays—0

Excused—1

Marleau

Not Voting—1

Kahn

In The Chair: President

The Senate agreed to the title of the bill.

Senator Meekhof moved to reconsider the vote by which the bill was passed.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 736**Yeas—37**

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green			

Nays—0**Excused—1**

Marleau

Not Voting—0

In The Chair: President

The following bill was read a third time:

Senate Bill No. 1158, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19708 (MCL 324.19708), as amended by 2010 PA 232.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 737**Yeas—37**

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green			

Nays—0**Excused—1**

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1238, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 1902, 1905, 1907, and 1907a (MCL 324.1902, 324.1905, 324.1907, and 324.1907a), section 1902 as amended by 2004 PA 587, section 1905 as added by 1995 PA 60, section 1907 as amended by 2008 PA 229, and section 1907a as added by 2002 PA 52.

The question being on the passage of the bill,

Senator Walker offered the following amendment:

1. Amend page 6, line 11, by striking out all of subparagraph (ii) and renumbering the remaining subparagraph.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 738**Yeas—26**

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason

Green
Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn

Kowall
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Nays—11

Anderson
Bieda
Gregory

Hood
Hopgood
Hunter

Johnson
Smith
Warren

Whitmer
Young

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1276, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 504, 35101, 35501, 35502, 35503, and 52502 (MCL 324.504, 324.35101, 324.35501, 324.35502, 324.35503, and 324.52502),

section 504 as amended by 2009 PA 47, section 35101 as amended by 1996 PA 290, sections 35501, 35502, and 35503 as added by 1995 PA 59, and section 52502 as added by 2004 PA 125; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 739**Yeas—26**

Booher	Green	Kowall	Proos
Brandenburg	Hansen	Meekhof	Richardville
Casperson	Hildenbrand	Moolenaar	Robertson
Caswell	Hune	Nofs	Rocca
Colbeck	Jansen	Pappageorge	Schuitmaker
Emmons	Jones	Pavlov	Walker
Gleason	Kahn		

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1280, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 501, 503, 2131, and 2132 (MCL 324.501, 324.503, 324.2131, and 324.2132), section 503 as amended by 2012 PA 294, section 2131 as amended by 2006 PA 308, and section 2132 as amended by 2012 PA 240.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 740**Yeas—26**

Booher	Green	Kowall	Proos
Brandenburg	Hansen	Meekhof	Richardville
Casperson	Hildenbrand	Moolenaar	Robertson
Caswell	Hune	Nofs	Rocca
Colbeck	Jansen	Pappageorge	Schuitmaker
Emmons	Jones	Pavlov	Walker
Gleason	Kahn		

Nays—10

Anderson
Bieda
Gregory

Hood
Hunter
Johnson

Smith
Warren

Whitmer
Young

Excused—1

Marleau

Not Voting—1

Hopgood

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1287, entitled

A bill to amend 2006 PA 379, entitled “Qualified forest property recapture tax act,” by amending section 5 (MCL 211.1035).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 741**Yeas—36**

Anderson
Bieda
Booher
Brandenburg
Casperson
Colbeck
Emmons
Gleason
Green

Gregory
Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
Jansen
Johnson

Jones
Kahn
Kowall
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov
Proos

Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer
Young

Nays—0**Excused—1**

Marleau

Not Voting—1

Caswell

In The Chair: President

The Senate agreed to the title of the bill.

Senator Meekhof moved to reconsider the vote by which the bill was passed.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 742**Yeas—37**

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green			

Nays—0**Excused—1**

Marleau

Not Voting—0

In The Chair: President

The following bill was read a third time:

Senate Bill No. 1132, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 24 of chapter X (MCL 710.24), as amended by 2004 PA 487.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 743**Yeas—37**

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca

Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason
Green

Hood
Hopgood
Hune
Hunter
Jansen
Johnson

Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov
Proos

Schuitmaker
Smith
Walker
Warren
Whitmer
Young

Nays—0

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 1051, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1203. (This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 2217.)

The question being on the adoption of the amendment offered by Senator Bieda,

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Young offered the following amendment:

1. Amend page 3, following line 11, by inserting:

“(6) AS USED IN THIS SECTION, “MEMBER OF A SCHOOL BOARD” INCLUDES AN EMERGENCY FINANCIAL MANAGER APPOINTED UNDER PA 72 OF 1990, MCL 144.1201 TO 141.1291.

(7) AS USED IN THIS SECTION, “SCHOOL DISTRICT” INCLUDES THE EDUCATION ACHIEVEMENT SYSTEM DEFINED IN THE STATE SCHOOL AID ACT OF 1979, MCL 388.160170 TO 388.1896.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 744

Yeas—17

Anderson
Bieda
Casperson
Gleason
Green

Gregory
Hansen
Hildenbrand
Hood

Hopgood
Hunter
Johnson
Rocca

Smith
Warren
Whitmer
Young

Nays—20

Booher
Brandenburg

Hune
Jansen

Meekhof
Moolenaar

Proos
Richardville

Caswell
Colbeck
Emmons

Jones
Kahn
Kowall

Nofs
Pappageorge
Pavlov

Robertson
Schuitmaker
Walker

Excused—1

Marleau

Not Voting—0

In The Chair: President

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 745

Yeas—31

Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason

Green
Hansen
Hildenbrand
Hopgood
Hune
Hunter
Jansen
Jones

Kahn
Kowall
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov
Proos

Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren

Nays—6

Anderson
Gregory

Hood
Johnson

Whitmer

Young

Excused—1

Marleau

Not Voting—0

In The Chair: President

The Senate agreed to title of the bill.

Senator Young asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Young's statement is as follows:

Mr. President, my amendment would include emergency managers and education achievement systems to the list of school board members held accountable to the standard of conflict of interest.

Now, mind you, I think that the Education Achievement Authority is unconstitutional and illegal since Public Act No. 4 was defeated by the voters, and as Truman said "The ear of the leader must ring with the voices of the people." However, just in case we pass another tyrannical EM law, I just want to make sure that emergency managers and educational achievement systems are held to the same account.

Nonelected officials and appointees must be held to at least the same standard as those who are elected to represent the public on school boards. My amendment provides further transparency and accountability for those entrusted with spending taxpayer dollars.

Senator Meekhof moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 1280, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 501, 503, 2131, and 2132 (MCL 324.501, 324.503, 324.2131, and 324.2132), section 503 as amended by 2012 PA 294, section 2131 as amended by 2006 PA 308, and section 2132 as amended by 2012 PA 240.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 746

Yeas—26

Booher	Green	Kowall	Proos
Brandenburg	Hansen	Meekhof	Richardville
Casperson	Hildenbrand	Moolenaar	Robertson
Caswell	Hune	Nofs	Rocca
Colbeck	Jansen	Pappageorge	Schuitmaker
Emmons	Jones	Pavlov	Walker
Gleason	Kahn		

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Excused—1

Marleau

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Meekhof moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 115

Senate Concurrent Resolution No. 26

Senate Resolution No. 34

Senate Resolution No. 85
Senate Resolution No. 105
House Concurrent Resolution No. 29
Senate Resolution No. 112
House Concurrent Resolution No. 6
Senate Resolution No. 120
Senate Resolution No. 127
Senate Concurrent Resolution No. 27
The motion prevailed.

Senator Meekhof moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

Senate Resolution No. 180
House Concurrent Resolution No. 66

The motion prevailed, a majority of the members serving voting therefor.

Senators Richardville and Whitmer offered the following resolution:

Senate Resolution No. 180.

A resolution honoring Michigan's veterans on the occasion of Veterans Day 2012.

Whereas, The American people having suffered the hardships of what was then known as the Great War, President Wilson proclaimed that the United States shall observe a day of celebration beginning at the eleventh hour of the eleventh day of the eleventh month. He declared that November 11 should become a "recurring anniversary (which) should be commemorated with thanksgiving and prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations"; and

Whereas, Although it began as Armistice Day, the American people came to recognize November 11th as Veterans Day, a day to honor those who have served our Nation, both in war and in peace; and

Whereas, In 1975, President Ford, a Naval Reserve combat veteran of World War II, signed Public Law 94-97 to forever establish November 11 as the date to observe Veterans Day, and declared that "Americans have appreciated and wish to retain the historic significance of November 11 as the day set aside each year"; and

Whereas, There are 21.8 million veterans in the United States, and 723,368 veterans in Michigan, who are deserving of our highest praise and greatest admiration; and

Whereas, The Senate is mindful that each passing Veterans Day leaves us with fewer of the "Greatest Generation" who served our nation in the darkest days of World War II, and who guided us to victory over tyranny; and

Whereas, We are often called to honor those who have fallen in the current conflicts in the service of freedom, and we stand with their families in remembrance of their ultimate sacrifice. We know that another great generation awaits its arrival home from battlefields across the globe, and we pledge to honor them upon their arrival; and

Whereas, We recognize that, whether they toiled on the beaches of Normandy, in the blue skies of the Cold War, or on a remote hillside in Afghanistan, all veterans have served our country in the most important role of government – as protectors of freedom, and have formed the foundation upon which we continue to build this nation; now, therefore, be it

Resolved by the Senate, That we hereby express to all Michigan veterans our gratitude and admiration for their service to our state and our nation.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolutions.

The motion prevailed, a majority of the members serving voting therefor.

House Concurrent Resolution No. 66.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Thursday, November 8, 2012, it stands adjourned until Tuesday, November 27, 2012, at 1:30 p.m.; and be it further

Resolved, That when the Senate adjourns on Thursday, November 8, 2012, it stands adjourned until Tuesday, November 27, 2012, at 10:00 a.m.

The House of Representatives has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Introduction and Referral of Bills

The President pro tempore, Senator Schuitmaker, assumed the Chair.

Senator Hansen introduced

Senate Bill No. 1352, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1254 and 1814 (MCL 380.1254 and 380.1814), section 1254 as amended by 1995 PA 289 and section 1814 as added by 2004 PA 417.

The bill was read a first and second time by title and referred to the Committee on Education.

Senator Hansen introduced

Senate Bill No. 1353, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 18 (MCL 388.1618), as amended by 2012 PA 201.

The bill was read a first and second time by title and referred to the Committee on Education.

Senators Caswell and Kahn introduced

Senate Bill No. 1354, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17775.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Kahn and Nofs introduced

Senate Bill No. 1355, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and sections 2, 8, and 17 (MCL 431.302, 431.308, and 431.317), section 2 as amended by 2006 PA 445 and section 17 as amended by 1998 PA 408, and by adding section 17a.

The bill was read a first and second time by title and referred to the Committee on Agriculture.

Senators Anderson, Jones, Caswell, Bieda, Kowall and Pappageorge introduced

Senate Bill No. 1356, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5303 and 5306 (MCL 700.5303 and 700.5306), section 5303 as amended by 2000 PA 468 and section 5306 as amended by 2004 PA 532.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Jones introduced

Senate Bill No. 1357, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17f of chapter XVII (MCL 777.17f), as amended by 2006 PA 404.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Pavlov introduced

Senate Bill No. 1358, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 4, 5, 6, 1260, and 1280c (MCL 380.3, 380.4, 380.5, 380.6, 380.1260, and 380.1280c), section 3 as amended by 2007 PA 45, sections 4 and 5 as amended by 2011 PA 232, section 6 as amended by 2009 PA 205, section 1260 as amended by 1995 PA 289, and section 1280c as amended by 2011 PA 8, and by adding sections 1260a, 1701b, and 1701c and part 7c.

The bill was read a first and second time by title and referred to the Committee on Education.

Senator Kahn introduced

Senate Bill No. 1359, entitled

A bill to amend 2011 PA 142, entitled "Health insurance claims assessment act," by amending section 3 (MCL 550.1733). The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senator Kahn introduced

Senate Bill No. 1360, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 8, 59, 84b, and 91a (MCL 38.1308, 38.1359, 38.1384b, and 38.1391a), section 8 as amended and sections 59, 84b, and 91a as added by 2012 PA 300.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senator Kahn introduced

Senate Bill No. 1361, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2007 PA 87.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senator Kahn introduced

Senate Bill No. 1362, entitled

A bill to provide electricity purchasing options to certain electric customers that generate self-service power; to require the adjustment of certain charges by electric utilities; and to prescribe the powers and duties of certain state agencies and officials.

The bill was read a first and second time by title and referred to the Committee on Energy and Technology.

Senator Kahn introduced

Senate Bill No. 1363, entitled

A bill to amend 2010 PA 297, entitled "Energy for economic development act of 2010," by amending section 5 (MCL 460.995).

The bill was read a first and second time by title and referred to the Committee on Energy and Technology.

Senator Warren introduced

Senate Bill No. 1364, entitled

A bill to provide for the levy and collection of special assessments on certain property to defray the costs of essential services.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Warren introduced

Senate Bill No. 1365, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 21 (MCL 205.93 and 205.111), section 3 as amended by 2007 PA 103 and section 21 as amended by 2010 PA 37.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Bieda and Warren introduced

Senate Bill No. 1366, entitled

A bill to create a metropolitan authority; to prescribe the powers, duties, and jurisdictions of the metropolitan authority; and to prescribe the powers and duties of certain state officials.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Warren introduced

Senate Bill No. 1367, entitled

A bill to amend 2002 PA 48, entitled “Metropolitan extension telecommunications rights-of-way oversight act,” by amending sections 2 and 3 (MCL 484.3102 and 484.3103).

The bill was read a first and second time by title and referred to the Committee on Finance.

Statements

Senator Caswell asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Caswell’s statement is as follows:

I’d like to bring to the attention of the chamber some information. We have a report out—it’s our first report—that follows the first class in high school that graduated under the Michigan Merit Curriculum requirements. I’ll just highlight some of the information that was in the report, keeping in mind the purpose of the Michigan Merit Curriculum originally.

For those students in high school who graduate in four years, that rate is down 2 percent, 2 percent worse than it used to be. The five-year graduation rate is down 5 percent. The dropout rate is up 5 percent.

The ACT scores and MME scores—Michigan Merit Exam scores: For those students who are considered to be the best-prepared we’ve seen a slight, if negligible increase in their scores. For the worst-prepared students, we’ve seen poor scores. At best, there’s no change. Across the board for both best prepared and worst-prepared students, writing scores are down. They’re worse than before the Michigan Merit Curriculum.

Today more than half of all students who enter 9th grade never even enroll in college, let alone complete college.

Finally, the schools across the state that have teachers who teach the Michigan Merit Curriculum courses: In 2004, those teachers amounted to 58 percent of the total teachers in the system. In 2011, they amounted to 71 percent. The non-Michigan Merit Curriculum teachers in 2004 teaching in areas that were outside the curriculum were 41 percent; now they’re 28 percent.

So what we’ve managed to do is greatly decrease the course offerings available to students who are outside the Michigan Merit Curriculum and we’ve seen this in a reduction of the number of kids going to tech centers. We’ve also seen, as I mentioned earlier, the increased dropout rate and the graduation rate being down. There are some interesting situations that we have to address concerning the Michigan Merit Curriculum.

Now, I will admit this is only one year, this is only one class, but I wanted to bring this to the Senate’s attention so that you recognize that we’re going to have to do some work in another year or two to help out the kids who are at the bottom academically.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1316, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17048 (MCL 333.17048), as amended by 2011 PA 210.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1317, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 721 (MCL 339.721), as amended by 2005 PA 278.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1318, entitled

A bill to amend 1907 PA 101, entitled "An act to regulate the carrying on of business under an assumed or fictitious name," by amending section 4 (MCL 445.4), as amended by 1990 PA 111.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1319, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102 and 902 (MCL 450.4102 and 450.4902), section 102 as amended by 2010 PA 290 and section 902 as amended by 2010 PA 126.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1320, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 105, 106, 108, 109, 123, 201, 202, 211, 241, 405, 488, 528, 564b, 565, 569, 611, 631, 641, 642, 643, 703a, 753, 762, 776, 781, 784, 804, 911, 1021, 1035, and 1041 (MCL 450.1105, 450.1106, 450.1108, 450.1109, 450.1123, 450.1201, 450.1202, 450.1211, 450.1241, 450.1405, 450.1488, 450.1528, 450.1564b, 450.1565, 450.1569, 450.1611, 450.1631, 450.1641, 450.1642, 450.1643, 450.1703a, 450.1753, 450.1762, 450.1776, 450.1781, 450.1784, 450.1804, 450.1911, 450.2021, 450.2035, and 450.2041), sections 105, 123, 405, 488, 703a, and 753 as amended by 2001 PA 57, section 106 as amended by 2006 PA 68, sections 108, 202, 804, and 1035 as amended by 1989 PA 121, sections 109, 565, 643, and 1021 as amended by 1993 PA 91, sections 201, 211, 241, 564b, and 762 as amended by 2008 PA 402, section 528 as amended by 2006 PA 65, section 569 as amended by 1987 PA 1, section 611 as amended by 2006 PA 64, sections 631, 641, and 1041 as amended by 1997 PA 118, section 642 as amended by 1982 PA 407, sections 776, 781, and 784 as amended by 1989 PA 31, and section 911 as amended by 2007 PA 182, and by adding section 529 and chapter 2A; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4435, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting

devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5o (MCL 28.425o), as amended by 2008 PA 407.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, October 17, 2012, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

The Committee on Reforms, Restructuring and Reinventing reported

Senate Bill No. 1335, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” by amending section 14 (MCL 408.1014), as amended by 1991 PA 105.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall and Robertson

Nays: Senators Young and Warren

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Reforms, Restructuring and Reinventing reported

Senate Bill No. 1336, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” by amending sections 5, 14a, 14b, 14d, 14e, 14f, 14h, 14j, 14k, 14l, 24, 31, 54, and 63 (MCL 408.1005, 408.1014a, 408.1014b, 408.1014d, 408.1014e, 408.1014f, 408.1014h, 408.1014j, 408.1014k, 408.1014l, 408.1024, 408.1031, 408.1054, and 408.1063), sections 5, 31, and 63 as amended and sections 14a, 14b, 14d, 14e, 14h, 14j, 14k, and 14l as added by 1986 PA 80, section 14f as amended by 1996 PA 70, and section 24 as amended by 1991 PA 105; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall and Robertson

Nays: Senators Young and Warren

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Wednesday, October 17, 2012, at 12:44 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Pavlov, Hansen and Hood

Excused: Senators Brandenburg and Gleason

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, October 23, 2012, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Caswell (C), Jansen, Proos and Gregory

Scheduled Meetings

State Drug Treatment Court Advisory Committee - Tuesday, November 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 12:14 p.m.

Pursuant to House Concurrent Resolution No. 66, the President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, November 27, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate